

REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL

April 25, 2011

The **Regular Monthly Meeting of Berkeley County Council** was held on Monday, **April 25, 2011**, at 6:40 p.m., in the Assembly Room of the Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina.

PRESENT: Mr. Daniel W. Davis, County Supervisor, Chairman; Mr. Steve C. Davis, Council Member District No. 8, Vice Chairman; Mr. Phillip Farley, Council Member District No. 1; Mr. Timothy J. Callanan, Council Member District No. 2; Mr. Robert O. Call, Jr., Council Member District No. 3; Mrs. Cathy S. Davis, Council Member District No. 4; Mr. Dennis L. Fish, Council Member District No. 5; Mr. Jack H. Schurlknight, Council Member District No. 6; Mr. Caldwell Pinckney, Jr., Council Member District No. 7; Ms. Nicole Scott Ewing, County Attorney; Mr. Joshua A. Gruber, Assistant County Attorney; and Ms. Barbara B. Austin, Clerk of County Council.

In accordance with the Freedom of Information Act, the electronic and print media were duly notified.

CALL TO ORDER

Chairman Daniel Davis called the meeting to order.

APPROVAL OF MINUTES

Chairman Daniel Davis asked for approval of minutes from a Special Meeting of Council held March 14, 2011 and a Regular Meeting of Council held March 28, 2011.

It was moved by Council Member Schurlknight and seconded by Council Member Steve Davis to **approve** the minutes as presented. The motion passed by unanimous voice vote of Council.

PUBLIC DISCUSSION – none

Chairman Daniel Davis: “Before we – we do need a real short, hopefully a short, Executive Session. Before we do that, I’d like to recognize our County Attorney Nicole Ewing. She has kind of some bad news for us, and she wants to talk about that.”

Ms. Ewing: “Well, it’s bad news from my department, good news for some other people. I just wanted to let you know that Josh Gruber, our Assistant County Attorney, will be leaving us

on Friday. Much to both my complete sadness and utter joy, he is going to be the Beaufort County Attorney, so he will be taking my role on in Beaufort County. So, tonight is his last Council Meeting. It's been a pleasure working with you, Josh. I've had a lot of fun getting to know you and working on different issues with you, and I wish you the best of luck; thank you."

[Applause]

Chairman Daniel Davis: "And, I would like to say, as well, Josh has been with us for about three years now, and he has – he has become a vital part of our legal staff at the County. I can't think of anyone who hasn't enjoyed working with him, and I certainly have. He's given us a lot of assistance and sage advice. I envy Beaufort County. It just goes to show Beaufort County is now one of the larger counties in South Carolina, certainly, one of the fastest growing; a lot of issues there, but they, you know, they were looking for one of the best in the state, and I think they found it in Josh. Like I say, we'll miss him, but we look forward to working with. At least he is going to be in this state. So, congratulations, Josh!"

Council Member Call: "Mr. Chairman?"

Chairman Daniel Davis: "Mr. Call."

Council Member Call: "I'd like to echo some of what you said too, and also express my appreciation for the service that Josh has rendered here at the County. He's an unusual person; he's a can do person; and when he tells you he can do something, he will do something. He's been very dependable and just a wonderful person to work with, and as I told him a few minutes ago, nobody that really appreciates him would feel hard at him for taking an opportunity to better himself. And, I wish him the best, and I hope we'll be seeing ya at some of the County functions around the state. Thank you, Josh, for your service."

Chairman Daniel Davis: "Thank you."

EXECUTIVE SESSION

Chairman Daniel Davis: "We do need a – we'll actually do two Executive Sessions tonight, but we have a short one we need to do first. I will entertain a motion to enter into Executive Session to discuss matters relating to the proposed location, expansion, or provision of services encouraging location or expansion of industry..."

Council Member Steve Davis: "Move for..."

Ms. Ewing: "Mr. Davis, the first one needs to be the employment/personnel issue."

Chairman Daniel Davis: "Ok; is that the one printed on the..."

Council Member Schurlknight: "No; that's the one I gave you."

Chairman Daniel Davis: "That's the one I've gotten."

Ms. Ewing: "Oh; I thought you were reading the Economic Development one."

Council Member Call: "That's the one he's reading."

Chairman Daniel Davis: "Well, it does cover this though."

Ms. Ewing: "Ok."

Chairman Daniel Davis: "It's in there."

Ms. Ewing: "Just as long as it's on the record that we're going back for HR issues as well."

Council Member Schurlknight: "Yeah."

Chairman Daniel Davis: "Ok; and I think I need to read the whole thing before we act on it."

Council Member Steve Davis: "Ok."

Council Member Call: "Ok."

Chairman Daniel Davis: "...or other businesses in the area served by the County; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property; the receipt of legal advice, where the legal advice relates to a pending, threatened or potential claim; or other matters covered by the attorney/client privilege; settlement of legal claim or discussion of employment, appointment, compensation, promotion, demotion, discipline or release of an employee, a student or a person regulated by a public body; or the position of the County in other adversarial situations involving the assertion against the County of a claim. Do I have a motion?"

It was moved by Council Member Schurlknight and seconded by Council Member Call to enter into Executive Session to discuss matters relating to the proposed location, expansion, or provision of services encouraging location or expansion of industry or other businesses in the area served by the County; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property; the receipt of legal advice, where the legal advice relates to a pending, threatened or potential claim; or other matters covered by the attorney/client privilege; settlement of legal claim; or discussion of employment, appointment, compensation, promotion, demotion, discipline or release of an employee, a student or a person regulated by a public body; or the position of the County in other adversarial situations involving the assertion against the County of a claim. The motion passed by unanimous voice vote of Council.

Council entered into Executive Session at 6:46 p.m., and returned to its Regular Session at 7:06 p.m.

Council Member Farley: "Mr. Chairman?"

Chairman Daniel Davis: "Mr. Farley."

Council Member Farley: "Can I make an announcement real quick? The Mining Commission Meeting that we were going to have is going to be – it has been postponed til May 17th, and that way there, we can have an official from DHEC there. Is that correct, Eric? May 17th, and you'll e-mail everyone, and let them know? Thank you."

Chairman Daniel Davis: "Mr. Assistant Attorney, as a parting gift, would you report us out of Executive Session, please?"

Mr. Gruber: "Mr. Chairman, Council met in Executive Session, partially, for the reasons stated in the motion. No official action was taken."

Chairman Daniel Davis: "Thank you, Mr. Assistant Attorney."

Ms. Ewing: "And, it is my understanding that the Executive Session will be continued at the end of the meeting and will not need to make a further motion. It has just been temporarily adjourned."

Chairman Daniel Davis: "Ok, thank you; that's correct."

CHAIRMAN OF COUNTY COUNCIL

THIRD READING:

"BILL NO. 11-01, AN ORDINANCE TO AMEND CERTAIN SECTIONS OF ORDINANCE NO. 01-08-35, THE BERKELEY COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE, AS AMENDED, TO PROVIDE FOR THE REGULATION OF BUILDING AND STRUCTURE HEIGHT WITHIN THE RESIDENTIAL, RURAL, COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS."

It was moved by Council Member Schurlknight and seconded by Council Member Steve Davis to **approve** Bill No. 11-01 for Third Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 11-04-02 is attached to these minutes.)

"BILL NO. 11-02, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #202-00-00-011."
(William D. Farrior, IV)

It was moved by Council Member Steve Davis and seconded by Council Member Schurlknight to **approve** Bill No. 11-02 for Third Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 11-04-03 is attached to these minutes.)

“BILL NO. 11-03, AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE AGREEMENT BETWEEN BERKELEY COUNTY, SOUTH CAROLINA, AND NEW BREED LOGISTICS OF SOUTH CAROLINA, LLC, AND MATTERS RELATING THERETO.”

It was moved by Council Member Pinckney and seconded by Council Member Steve Davis to **approve** Bill No. 11-03 for Third Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 11-04-04 is attached to these minutes.)

Berkeley County Council Rules allow all bills to be given Second Reading by one motion as a collective group. Any member may object to a particular bill, and it shall be separated from the collective group and handled by a separate motion.

SECOND READING:

“BILL NO. 11-04, AN ORDINANCE TO AMEND CERTAIN SECTIONS OF ORDINANCE NO. 01-08-35, THE BERKELEY COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE, AS AMENDED, TO **PROVIDE FOR THE **REGULATION AND DURATION OF NON-CONFORMING USES** IN THE VARIOUS ZONING DISTRICTS.”**

It was moved by Council Member Farley and seconded by Council Member Call to **approve** Bill No. 11-04 for Second Reading. The motion passed by unanimous voice vote of Council.

Bills for First Reading are not discussed or voted upon. The bills are read into the record by title only and, thereafter, sent to the proper Committee for further consideration.

FIRST READING:

“BILL NO. 11-05, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR A **PORTION OF TMS #242-00-03-052 AND TMS #242-00-03-065, #242-00-03-066 AND #242-00-03-070.”**
(Colpar, Inc., requested by T.B. Daniels)

“BILL NO. 11-06, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR **TMS #221-00-00-137,**

#221-00-00-062, #221-00-00-083, #221-00-00-092, #221-00-00-087, #221-00-00-088, #221-00-00-089, #221-00-00-145, #221-16-01-019, #221-16-01-020, #221-16-01-022 AND #221-16-01-038.”

(MeadWestvaco – Various Entities)

“BILL NO. 11-07, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #162-00-01-042.”

(John Hopkins)

“BILL NO. 11-08, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #082-00-01-076.”

(James Morrison)

“BILL NO. 11-09, AN ORDINANCE ADOPTING THE 2010 COMPREHENSIVE PLAN UPDATE FOR THE COUNTY OF BERKELEY, PURSUANT TO THE STATE OF SOUTH CAROLINA COMPREHENSIVE PLANNING ENABLING ACT OF 1994.”

“BILL NO. 11-10, AN ORDINANCE TO AMEND THE LANGUAGE OF ORDINANCE NO. 79-03-08, AS AMENDED, BY REQUIRING A RESIDENCY REQUIREMENT OF ALL SANGAREE ADVISORY COMMITTEE MEMBERS.”

“BILL NO. 11-11, AN ORDINANCE PROVIDING FOR THE FISCAL YEAR BEGINNING JULY 1, 2011 AND ENDING JUNE 30, 2012 FOR THE DEVON FOREST SPECIAL TAX DISTRICT OPERATIONAL BUDGET; AND TO PROVIDE FOR THE EXPENDITURES OF THE REVENUES RECEIVED BY THE DEVON FOREST SPECIAL TAX DISTRICT DURING THE FISCAL YEAR.”

“BILL NO. 11-12, AN ORDINANCE PROVIDING FOR THE FISCAL YEAR BEGINNING JULY 1, 2011 AND ENDING JUNE 30, 2012 FOR THE PIMLICO SPECIAL TAX DISTRICT OPERATIONAL BUDGET; AND TO PROVIDE FOR THE EXPENDITURES OF THE REVENUES RECEIVED BY THE PIMLICO SPECIAL TAX DISTRICT DURING THE FISCAL YEAR.”

“BILL NO. 11-13, AN ORDINANCE PROVIDING FOR THE FISCAL YEAR BEGINNING JULY 1, 2011 AND ENDING JUNE 30, 2012 FOR THE SANGAREE SPECIAL TAX DISTRICT OPERATIONAL BUDGET; AND TO PROVIDE FOR THE EXPENDITURES OF THE REVENUES RECEIVED BY THE SANGAREE SPECIAL TAX DISTRICT DURING THE FISCAL YEAR.”

“BILL NO. 11-14, AN ORDINANCE PROVIDING FOR THE FISCAL YEAR BEGINNING JULY 1, 2011 AND ENDING JUNE 30, 2012 FOR THE TALL PINES SPECIAL TAX DISTRICT OPERATIONAL BUDGET; AND TO PROVIDE FOR THE EXPENDITURES OF THE REVENUES RECEIVED BY THE TALL PINES SPECIAL TAX DISTRICT DURING THE FISCAL YEAR.”

“BILL NO. 11-15, AN ORDINANCE PROVIDING FOR THE FISCAL YEAR BEGINNING JULY 1, 2011 AND ENDING JUNE 30, 2012 FOR THE OPERATIONAL BUDGET OF THE BERKELEY COUNTY SPECIAL FIRE TAX DISTRICT WITHIN THE UNINCORPORATED PORTIONS OF BERKELEY COUNTY; AND TO PROVIDE FOR THE EXPENDITURES OF THE REVENUES RECEIVED BY THE SPECIAL FIRE TAX DISTRICT DURING THE FISCAL YEAR.”

“BILL NO. 11-16, AN ORDINANCE PROVIDING APPROPRIATIONS FOR THE FISCAL YEAR BEGINNING JULY 1, 2011 AND ENDING JUNE 30, 2012 FOR BERKELEY COUNTY; TO PROVIDE FOR LEVY OF TAXES ON ALL TAXABLE PROPERTY IN BERKELEY COUNTY FOR ALL COUNTY PURPOSES; TO PROVIDE FOR THE EXPENDITURES OF SAID TAXES AND OTHER REVENUES COMING INTO THE COUNTY FOR THE FISCAL YEAR; AND TO AMEND THE CODE OF ORDINANCES, BERKELEY COUNTY, SOUTH CAROLINA, SETTING RATES, CHARGES AND PENALTIES FOR WATER AND SEWER AND SOLID WASTE SERVICE BY BERKELEY COUNTY WATER AND SANITATION.”

“BILL NO. 11-17, AN ORDINANCE TO AMEND ORDINANCE NO. 10-07-20, ADOPTED JULY 26, 2010 TO PROVIDE FOR SUPPLEMENTAL APPROPRIATIONS AND ALLOCATIONS THEREOF WITHIN THE 2010-2011 BUDGET FOR BERKELEY COUNTY; AND OTHER MATTERS RELATING THERETO.”

“BILL NO. 11-18, AN ORDINANCE AUTHORIZING AN EXTENSION OF THE TIME PERIOD FOR FRANKLIN C. FETTER FAMILY HEALTH CLINIC, LLC, TO COMMENCE CONSTRUCTION ON TWO (2) ACRES OF LAND LOCATED IN CROSS, SOUTH CAROLINA, IDENTIFIED AS TMS #041-00-04-061 AND AUTHORIZING THE COUNTY SUPERVISOR TO EXECUTE THE NECESSARY DOCUMENTS TO EFFECTUATE SUCH EXTENSION.”

“BILL NO. 11-19, AN ORDINANCE AUTHORIZING (1) THE EXECUTION AND DELIVERY OF (a) A SECOND AMENDED AND RESTATED FEE-IN-LIEU OF TAX AND INCENTIVE AGREEMENT BY AND BETWEEN BERKELEY COUNTY, SOUTH CAROLINA (THE ‘COUNTY’), AND HLIT IV SC-1, LP, AND HLIT IV SC-2, LP, AND (b) A SECOND AMENDED AND RESTATED FEE-IN-LIEU OF TAX AND INCENTIVE AGREEMENT BY AND BETWEEN THE COUNTY AND HW BERKELEY PHASE II-A, LLC, HW BERKELEY PHASE II-B, LLC, AND HW BERKELEY PHASE II-C, LLC, IN CONNECTION WITH INVESTMENT IN THE COUNTY; AND (2) OTHER MATTERS RELATING TO THE FOREGOING.”

RESOLUTIONS:

“RESOLUTION PROVIDING FOR THE TRANSFER OF FUNDS APPROPRIATED IN THE 2010-2011 BERKELEY COUNTY BUDGET FOR COUNTY PURPOSES OTHER THAN AS SPECIFIED IN SAID BUDGET.”

It was moved by Council Member Call and seconded by Council Member Steve Davis to **approve the resolution** providing for a transfer of funds in the 2010-2011 Budget for Berkeley County. The motion passed by unanimous voice vote of Council. (A *copy of Resolution No. 11-13 is attached to these minutes.*)

“RESOLUTION PROVIDING FOR THE TRANSFER OF FUNDS APPROPRIATED IN THE 2010-2011 BUDGET FOR BERKELEY COUNTY WATER AND SANITATION FOR PURPOSES OTHER THAN AS SPECIFIED IN SAID BUDGET.”

It was moved by Council Member Call and seconded by Council Member Pinckney to **approve the resolution** providing for a transfer of funds in the 2010-2011 Budget for Berkeley County Water and Sanitation. The motion passed by unanimous voice vote of Council. (A *copy of Resolution No. 11-14 is attached to these minutes.*)

“RESOLUTION IDENTIFYING A PROJECT TO SATISFY THE REQUIREMENTS OF TITLE 12, CHAPTER 44, OF THE SOUTH CAROLINA CODE, SO AS TO ALLOW INVESTMENT EXPENDITURES INCURRED BY **PROJECT SURGE, ITS AFFILIATES AND RELATED ENTITIES, TO QUALIFY AS EXPENDITURES ELIGIBLE FOR A **FEE-IN-LIEU** OF AD VALOREM TAXES ARRANGEMENT WITH BERKELEY COUNTY, SOUTH CAROLINA, COMMITTING TO ENTER INTO NECESSARY AGREEMENTS WITH PROJECT SURGE TO EFFECT THE INTENT OF THIS RESOLUTION, AND OTHER MATTERS RELATED THERETO.”**

It was moved by Council Member Farley and seconded by Council Member Steve Davis to **approve the resolution** identifying Project Surge as eligible for a fee-in-lieu of ad valorem taxes with Berkeley County.

Chairman Daniel Davis: “Any discussion?”

Council Member Callanan: “Yes, Mr. Chairman?”

Chairman Daniel Davis: “Yes, Mr. Callanan.”

Council Member Callanan: “Yeah, I just had a – I forgot to ask this when it was on Finance. This is a new fee-in-lieu? I’m assuming that all fee-in-lieus are getting the same, including new ones, getting the same revenue share to the Board of Education. Is that correct?”

Chairman Daniel Davis: “Fee-in-lieus are required by law to be.”

Council Member Callanan: “Ok. So, this isn’t multi-county park?”

Chairman Daniel Davis: “It’s not multi-county...”

Council Member Callanan: “Ok; alright.”

Chairman Daniel Davis: "...park, is it?"

Council Member Callanan: "My mistake."

Mr. Eugene Butler, Economic Development Director: [inaudible]

Chairman Daniel Davis: "I don't think it is. If they're not in multi-county park, then they're distributed by law, and if they are in a multi-county then they are not required to by law."

Council Member Callanan: "Can I – this is not multi-county park? Can I get a confirmation on that?"

Council Member Farley: "I don't think so."

Mr. Butler: [inaudible]

Council Member Callanan: "It's not; ok; thank you."

Ms. Ewing: "Mr. Chair – Mr. Chairman, if I may address Mr. Callanan's question? Usually, they will ask to be placed in the multi-county park, so you may see at the end of the year that they come back and ask for it. Well, I guess, this is for the Project Surge. They'll have to do an ordinance to do the actual ordinance, and we can ask – to do the agreements – we can ask them then if they're intention is to go into the multi-county park."

Council Member Callanan: "But, with the exception of one location, all multi-county park revenue is being shared, correct, right – with the exception of Mt. Holly?"

Ms. Ewing: "As far as I'm aware at the current time, yes."

Council Member Callanan: "Ok, so, I just, just so for the future, I know, anytime I see multi-county, then I have to ask just to make sure?"

Mr. Butler: [inaudible]

Council Member Callanan: "Ok; thank you. This is multi-county park. Is the revenue being shared with the County Education Department?"

Ms. Kace Smith, Deputy Supervisor and Finance Director: "At the current time, the multi-county park located at Mt. Holly is the one that the County is – regulates how it is distributed, so the other mount – multi-county park is distributed like our fee-in-lieu or our property taxes are distributed."

Council Member Callanan: "So, this would be shared just like a regular fee-in-lieu?"

Ms. Smith: "It's – yes; since it's not located in the Mt. Holly multi-county park area."

Council Member Callanan: "Ok; thank you."

Council Member Schurlknight: "Kace, I do have one question. Talking about multi-county parks, can you give me a figure on the education, Board of Education, is receiving from the multi-county parks as far as a fee-in-lieu? Do you know that off hand?"

Ms. Smith: "No, Sir; I do not know that..."

Council Member Schurlknight: "A..."

Ms. Smith: "...off the top of..."

Council Member Schurlknight: "...nine million dollar figure kind of comes to mind, and I'm thinking that's fairly close that they're already receiving..."

Ms. Smith: "It certainly in the ballpark range; yes, Sir. I can certainly e-mail you and County Council on that figure."

Council Member Schurlknight: "I just want to make Council aware – already from the multi-county parks, the School District is receiving approximately \$9,000,000 from multi-county, if my figures are correct. Thank you."

Ms. Ewing: "And, just to tack on to what Kace said. First of all, we have to pay Williamsburg their one percent out of the multi-county park, and then the five percent to Economic Development. Then, it's shared just like taxes, other than the Mt. Holly properties."

Council Member Schurlknight: "Correct."

Ms. Ewing: "So, I just wanted to make sure that that was clear."

Council Member Farley: "In other words, Mt. Holly property is the only property that they do not share in? Is that correct?"

Council Member Schurlknight: "Yeah."

Ms. Smith: "Yes, Sir, at the current time."

Council Member Farley: "Ok; thank you."

Chairman Daniel Davis: "Ok; I think I had a motion and a second, and that was under discussion. Is that correct?"

Council Member Steve Davis: "That's correct."

Chairman Daniel Davis: "Ok; is there any other discussion?"

There was no further discussion.

The motion passed by unanimous voice vote of Council. (A copy of Resolution No. 11-15 is attached to these minutes.)

PROCLAMATIONS:

“PROCLAMATION DECLARING MAY 2011 AS MOTORCYCLE SAFETY AWARENESS MONTH.”

It was moved by Council Member Steve Davis and seconded by Council Member Cathy Davis to **approve** the **proclamation** declaring May 2011 as Motorcycle Safety Awareness Month. The motion passed by unanimous voice vote of Council.

“PROCLAMATION RECOGNIZING THE OUTSTANDING ACCOMPLISHMENTS OF SAMUAL PHILIP MAY-RODDA.”

It was moved by Council Member Farley and seconded by Council Member Steve Davis to **approve** the **proclamation** recognizing the outstanding accomplishments of Samual Philip May-Rodda.”

REPORTS FROM STANDING COMMITTEES:

Committee on Finance

Council Member, Mr. Jack H. Schurlknight, Chairman

Chairman Schurlknight: “Mr. Chairman, the Committee on Finance met earlier this night. Many of the matters have been addressed earlier on this night’s agenda.”

Additional Funds for Mosquito Abatement

Chairman Schurlknight: “On recommendation of the Committee, I move to **approve** \$64,000.00 in additional funds for the Mosquito Abatement Department for the purchase of chemicals to come from Contingency and to be used on an as needed basis.” (No second required.)

The motion passed by unanimous voice vote of Council.

(That concluded Chairman Schurlknight’s report.)

Committee on Land Use

Council Member, Mr. Phillip Farley, Chairman

Chairman Farley: “Mr. Chairman, the Committee on Land Use met on April 14th. Many of the matters before the Committee have been addressed earlier on this night’s agenda.”

Extension of Time Addressed in Reverter Clause for Franklin C. Fetter Family Center, Inc.

Chairman Farley: “On recommendation of the Committee, I move to **approve** the request for an extension of time addressed in the two-year reverter clause of the original deed that conveyed two (2) acres of property to the Franklin C. Fetter Family Center, Inc.” *(No second required.)*

The motion passed by unanimous voice vote of Council.

(That concluded Chairman Farley’s report.)

**Committee on Public Works and Purchasing
Council Member, Mr. Caldwell Pinckney, Jr., Chairman**

Chairman Pinckney: “No report, Mr. Chairman.”

(That concluded Chairman Pinckney’s report.)

**Committee on Justice and Public Safety
Council Member, Steve C. Davis, Chairman**

Chairman Steve Davis: “Mr. Chairman, the Committee on Justice and Public Safety met on April 11th. At this meeting, I was honored to present to the Timberland High School Girls Basketball Team a framed resolution commemorating a second state championship in two years for that team.”

Approval of Application for Traffic Enforcement Grant for Sheriff’s Department

Chairman Steve Davis: “On recommendation of the Committee, I move to **approve** the Sheriff’s Department application for a Highway Safety Grant, in the amount of \$471,231.00 used to fund the Traffic Enforcement Unit for four (4) deputies and would include some of the necessary equipment; also to be noted that this grant would be renewable for three (3) years, and the County would be expected to work these positions into the budget; no additional funds required.” *(No second required.)*

The motion passed by unanimous voice vote of Council.

(That concluded Chairman Steve Davis’ report.)

**Committee on Water and Sanitation
Council Member, Mr. Robert O. Call, Jr., Chairman**

Chairman Call: “Mr. Chairman, the Committee on Water and Sanitation met on April 11th, and all matters before the Committee have been addressed earlier on this night’s agenda.”

(That concluded Chairman Call’s report.)

Committee on Planning and Development
Council Member, Mrs. Cathy S. Davis, Chairman

Chairman Cathy Davis: “Mr. Chairman, the Committee on Planning and Development met on April 11th. All matters before the Committee have been addressed earlier on this night’s agenda.”

(That concluded Chairman Cathy Davis’ report.)

Committee on Community Services
Council Member, Mr. Timothy J. Callanan, Chairman

Chairman Callanan: “Mr. Chairman, the Committee on Community Services met on April 11th. Several of the matters before the Committee have been addressed earlier.”

Acceptance of Security Fencing Grant for Airport

Chairman Callanan: “On recommendation of the Committee, I move to **approve** the acceptance of a Security Fencing Grant for the Airport in the following amounts: FAA – \$142,952.00 that would consist of 95 percent; State Aeronautics – \$3,788.00 that would constitute two and one-half percent; local match to come from Economic Development of \$3,788.00 that would also constitute two and one-half percent.” *(No second required.)*

The motion passed by unanimous voice vote of Council.

(That concluded Chairman Callanan’s report.)

Committee on Human Services
Council Member, Mr. Dennis L. Fish, Chairman

Chairman Fish: “No report, Mr. Chairman.”

(That concluded Chairman Fish’s report.)

NOMINATIONS FOR MEMBERSHIP ON BOARDS, COMMISSIONS, ETC. – none

CORRESPONDENCE – none

UNFINISHED BUSINESS – none

NEW BUSINESS

Chairman Daniel Davis: “I believe someone has a motion for – under ‘New Business’.”

It was moved by Council Member Steve Davis and seconded by Council Member Farley for the position of Planning and Zoning Administrator, currently at a Grade C-41, be **upgraded** to Planning Director, Grade C-45. The motion passed by unanimous voice vote of Council.

ANNOUNCEMENTS

The May 2011 Regular Meeting of Berkeley County Council will be held on Monday, May 23, 2011, immediately following Public Hearings and any scheduled Committee Meetings at 6:00 p.m., in the Assembly Room of the Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, SC.

Council Member Fish: “Mr. Chairman?”

Chairman Daniel Davis: “Mr. Fish.”

Council Member Fish: “I have a comment or question, basically. With the – since it’s being out, and I know that three Democrats went from our Committee or from our County went up to redistricting. When is this body gonna be involved in redistricting, and what’s going on with that? Do you have any knowledge?”

Chairman Daniel Davis: “We had our first staff meeting on – on that last week. Our GIS Department has a program as they did in the last census to help us redraw the districts, and they are now preparing about three alternatives to present to Council. We’ll have a workshop with those, and just to kind of give us a starting point to work with.”

Council Member Fish: “Ok; thank you.”

Chairman Daniel Davis: “That’s well underway, and we’ll have – I think we need to – to get that prepared by about August? Nicole, what was the date we want to...”

Ms. Ewing: “We would like to have it, the final reading and adoption, no later than November of this year, because we have to go – after it gets approved, we have to send it to the Department of Justice for preclearance in time for June of next year.”

Council Member Fish: “You’ll have a workshop to brief us one of these days on that?”

Chairman Daniel Davis: “As soon as our GIS Department gets – you know, I’ve asked them to give us about three examples, or three different alternatives. Of course, we can have as

many as we want, but just as a starting point. And then, we'll get with Council, and everybody can play with it."

Council Member Fish: "Ok; thank you."

Council Member Pinckney: "Just a – Mr. Chairman?"

Chairman Daniel Davis: "Mr. Pinckney."

Council Member Pinckney: "Just for correction, three Council Members went to that workshop."

Council Member Steve Davis: "Not so specific, Democrats or whatever, just Council Members."

Council Member Pinckney: "You know, it's high time that we stop the divide, because we all serve the citizens of Berkeley County who are all taxpayers, and I really don't appreciate that."

Council Member Fish: "I guess my question is why wasn't others notified of that meeting?"

Council Member Pinckney: "It was common knowledge. You had the opportunity to go if you wanted to go."

Council Member Steve Davis: "It was highly publicized."

Chairman Daniel Davis: "I think..."

Council Member Fish: "I wonder where [inaudible]."

Chairman Daniel Davis: "...I think you, as a County Councilman, should have been notified."

Council Member Fish: "I wasn't; were you?"

Council Member Callanan: "Nope."

Council Member Fish: "Ok."

Council Member Call: "Mr. Chairman?"

Council Member Fish: "That's my concern."

Council Member Call: "I believe Mr. Pinckney is referring to a meeting in Columbia that was announced and sponsored by the South Carolina Association of Counties. Is that the one you're talking about, Mr. Pinckney?"

Council Member Pinckney: "Absolutely."

Council Member Call: "So, we all had notice of that."

Council Member Callanan: "I didn't."

Council Member Call: "And, I was one that attended it, and I think Mr. Pinckney and Mr..."

Chairman Daniel Davis: "I think..."

Council Member Call: "...Davis."

Chairman Daniel Davis: "...we'll – we'll get a notice of it, but it was promoted by the South Carolina Association of Counties in their e-mails and newsletter, I think, it was promoted."

Council Member Call: "Somebody got word of it, cause it was probably..."

Council Member Fish: "I sure didn't."

Council Member Call: "...four hundred people in the room..."

Council Member Steve Davis: "I assure you they all weren't Democrats."

Council Member Call: "...a better part of the day listening to Mr. Bowers. And then, more recently at our mid-year conference up there, we heard from him again on the subject. I don't know who all was there. I know I was there. Mr. Davis may have been there, but I was there. So, to maintain that somebody wasn't invited to that meeting is just a..."

Council Member Pinckney: "That's not true."

Council Member Call: "...a misconception. It was public."

Chairman Daniel Davis: "Ok; with that, I'll entertain a motion to – no, I'm sorry. We need to..."

Council Member Steve Davis: "You, you're not gonna have an Executive Session..."

Chairman Daniel Davis: "...we're gonna return to Executive Session. Pardon me?"

Council Member Steve Davis: "If you adjourn, you're not gonna have Executive Session tonight."

Chairman Daniel Davis: "I know. I thought of that."

Council Member Steve Davis: "I'll promise you that."

Chairman Daniel Davis: "We're going to return to the Council Chambers for Executive Session, and we'll be back out. This won't probably..."

Ms. Ewing: "Do you want to do Public Discussion before we go back?"

Chairman Daniel Davis: "Ok; yeah, that's fine. Do we have anybody signed up for Public Discussion?"

Council Member Schurlknight: "There's two, I think, two people."

PUBLIC DISCUSSION

Public Discussion commenced at 7:29 p.m.

Chairman Daniel Davis: "Alright, at this time, I'll recognize Mr. Bill Bates. And again, as we ask your name and address, and we ask you to limit your comments to three minutes. And, I'll kind of give you a signal when you've got about 15 seconds, so you can wrap up if you would please."

Mr. Bill Bates: "Yes, Sir; good evening ladies and gentlemen. Again, I thank you for the work that you do. I read an article today in the *Post & Courier* concerning Scarlett Wilson and the Solicitor's Office and also the Public Defender's Office and lack of funds and loss of solicitors for Berkeley County or assistant solicitors. I attended a Council Meeting two, two meetings ago where both Scarlett Wilson was here and made a proposal for a program that would be – we'd have to pay for it to begin with, but re-coop half the first year, and then, it would be self-sufficient. Also, the Public Defender's Office was here, and they talked about the additional money. Now, what I would like to read into the record – I thought about things to say, and I'm not the most verbose person or intellectually gifted, if you will, but there was some replies to this article, and this is what they were. 'We didn't – why did you take the 1.6 million dollars to spend on a campus that we don't need? Why don't you take the 3 and ½ million dollars you promised Councilman Davis for the new courthouse out in St. Stephens? Why don't you take the 2.4 million dollars spent on a waterline out in Cross? And, we're dumping part of that water in a ditch. Why don't you take the 2 million plus for spending on a new library in Hanahan that even the Mayor in Hanahan says we don't need? Why don't you get your plans – get your plans to play musical chairs with the County and state offices already who have a place to stay? And, that's only a few. Why don't you pay back the 10,000,000 bucks/dollars you owe the School District?' Those are some of the things that I take issue with. Councilman Davis, that's Steve Davis, ok, I would like to specifically tell you how embarrassed I was when Scarlett Wilson

came and addressed this Council, and she made, you know, she made a viable suggestion, and in reply to her, you talked down to her, you were condescending to her, and it embarrassed me greatly as a, as a, a resident in Berkeley County. And, I think it was below your behavior as a gentleman, and it was rude, crude and, actually, socially unacceptable. Thank you.”

Council Member Steve Davis: “Do I get to respond back to that? Scarlett Wilson appeared, and I happen to know Scarlett personally, and I think if she was offended, anybody who can try cases to put people on death row don’t need anyone to defend herself. She’s pretty tough, and she’s pretty good at what she does, and at no point did she suggest to me that I offended her. As a matter-of-fact, we’ve had conversations since. Now, Mr. Bates...”

Mr. Bates: “It offended – if offended me, ok. Maybe, it didn’t offend her, but it offended me.”

Council Member Steve Davis: “Well, there’s a lot...”

Chairman Daniel Davis: “Mr. Bates; Mr. Bates?”

Council Member Steve Davis: “...there’s a lot of things that offend me I have no control over it. If you want to know the truth, a lot of things offend me. Nicky Haley offends me every day but he, she’s still my governor. Thank you.”

Chairman Daniel Davis: “And, would you please state your name and address for the record?”

Mr. Bates: “And, one other thing.”

Chairman Daniel Davis: “Mr. Bates?”

Mr. Bates: “Please.”

Chairman Daniel Davis: “Your name and address, please. You’ve already...”

Mr. Bates: “Yes, Sir.”

Chairman Daniel Davis: “...had your three minutes.”

Mr. Bates: “Bill Bates, 132 Harold Place.”

Chairman Daniel Davis: “Thank you. Mr. James Carrico? Is that right?”

Mr. Carrico: “Yes, Sir. Good evening ladies and gentlemen. Definitely brand new to this, so please bear with me. I don’t know exactly where I need to be to discuss my situation, but, hopefully, this is where all my homework has led up to to maybe get this taken care of.”

Chairman Daniel Davis: “Mr. Carrico, name and address, and let’s get that out of the way.”

Mr. Carrico: “James Carrico, of 106 December Lane, Moncks Corner.”

Chairman Daniel Davis: “Ok, thank you; go ahead; I’m sorry.”

Mr. Carrico: “No problem; thank you very much, Mr. Chairman. My issue is dealing with a – I would have to say an item that is located in my, my land where I live, which is December Lane over in the Windwood/Lakewood/Chaparral Ranches Area off of 17, and I’m sure some of you are familiar with that area. And, it seems to me that it’s taking the zoning issue or the committee, whoever works in that area, a time to get to where I live to point out things that I have in my yard, versus what everybody else’s has around in my location. I’m a little nervous right now. I’m not used to public speaking. I have a 40-foot container that I’ve acquired a long time ago in my yard, which is up against the wood line of my almost two acres of land, which is out of sight. It takes – for you to get to my home – a dead-end, down another dead-end, down a long private drive, which is over 150-foot long. And for you to notice it, you have to go all the way down my private drive to locate this. My neighbors within a football field away have these same items, and I’ve talked with them, and they’ve never had any kind of citations or any kind of notices saying that they’re not allowed to have them. And, for it to be brought to my attention, you know, as saying that I have to get rid of it, but I’ve never gotten any information saying I have to get rid of this item. I briefly spoke with Mr. Phillip Farley on this. I can understand there’s been a lot of things you guys have had to talk with over this past week just from coming in here my first time tonight. So, I understand, everybody’s busy, but I didn’t want to miss the opportunity to come out here and speak with you guys on my issue. And, like I said, they sent me a notice telling me that I have to cover the item to where it’s within no visual eyesore to anybody. Well, I went around to everybody on my block, and I got signatures and addresses to everybody that lives down my private drive, because we are all by ourselves down there, and everybody’s on game with me as saying that it’s unfair for me to have it. A neighbor down the street on the public road can have it visually seen and never have an issue pertaining to the item. My yard is not a disaster. I don’t know how people keep it or whatever, but we moved out there, specifically, for the reason of having it the way we want to live – not saying that, you know, everybody’s got rules, but it’s certainly should be a lot less harsh living out in that kind of area, versus a subdivision where you have to abide by certain, you know, lawn regulations. You guys know what I’m talking about. I don’t need to go down that road. We all remember honeydew, go out and take care of. And, that’s pretty much my issue there.”

Chairman Daniel Davis: “Ok; you can...”

Mr. Carrico: “I’m just wanting to get it rezoned or whatever to have this not be an issue, because, like I said, for them to cite me. And, not only did they not cite me on the issue, hopefully, I can talk to these two here afterwards about this issue. I found it in my yard for a court – a court hearing. It was never given to me publicly, so that right there was very unprofessional to whoever had cited. You’re supposed to give stuff like that to people, not find it in your yard hoping it’s not gonna get wet from the rain the very next day.”

Chairman Daniel Davis: “Ok; you can submit the pictures and any other comments that you want to make, and we’ll get them to every Member of Council.”

Mr. Carrico: “That’s all I needed to say. Thank you very much, and have a good evening.”

Chairman Daniel Davis: “Thank you.”

Council Member Callanan: “Thank you.”

Council Member Pinckney: “Thank you.”

Public Discussion concluded at 7:37 p.m.

Chairman Daniel Davis: “Ok; at this time, we’ll adjourn to the back Chamber for Executive Session.”

Council resumed its Executive Session at 7:38 p.m, and returned back to its Regular Session at 9:07 p.m.

Ms. Ewing: “Council went into Executive Session for the reasons stated in the motion (at the beginning of the meeting). No action was taken.”

ADJOURNMENT

It was moved by Council Member Farley and seconded by Council Member Schurlknight to **adjourn** the Regular Meeting of Council. The motion passed by unanimous voice vote of Council.

Meeting adjourned at 9:08 p.m., for the execution of documents by Council.

S/Barbara B. Austin, CCC
Clerk of Council

May 23, 2011
Date Approved